

DSM Holding Company USA, Inc.



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William P. Bivins
General Counsel & Secretary

June 7, 2002

Mr. Joseph Cosentino, OSC

Removal Action Branch
Emergency and Remedial Response Division
U. S. Environmental Protection Agency, Region II
2890 Woodbridge Ave.
Edison, NJ 08837-3679

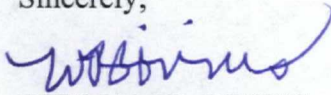
Sarah Flanagan, Esq.
Office of Regional Counsel
New Jersey Superfund Branch
U. S. Environmental Protection Agency, Region II
290 Broadway, 17th Floor
New York, NY 10007-1866

Re: Bayonne Barrel & Drum Superfund Site, Newark, Essex County, NY: Response
of DSM Holding Company USA, Inc. to the EPA's Request for Information

Dear Mr. Cosentino and Ms. Flanagan:

The response of DSM Holding Company USA is attached. Please let me know if I can be
of further assistance.

Sincerely,


WILLIAM P. BIVINS

Cc: Enclosure

466882



**RESPONSE OF DSM HOLDING COMPANY USA, INC.
TO THE U.S. EPA's REQUEST FOR INFORMATION
REGARDING THE BAYONNE BARREL & DRUM SITE
NEWARK, ESSEX COUNTY, NEW JERSEY**

June 7, 2002

DSM Holding Company USA, Inc., formerly known as Synotex Company, Inc. (April 8, 1993 – October 24, 2001) and Daniel Products Company, Inc. (December 11, 1991 – April 8, 1993) (hereinafter, "DSM"), submits this response to the Request for Information (the "RFI") of the United States Environmental Protection Agency ("USEPA" or the "Agency") under Section 104(e) of the Comprehensive Environmental Response, Compensation and Liability Act, 42 U.S.C. § § 9601 et seq. ("CERCLA") regarding the Bayonne Barrel & Drum Site, 150 – 154 Raymond Blvd., Newark, Essex County, New Jersey (the "Site"). DSM makes this response (i) without admitting any liability or any issue of law or fact; (ii) without admitting that any hazardous substance was shipped by DSM to, or deposited by DSM at, the Site; and (iii) without prejudice to any position DSM may take in connection with the Site or any action or proceeding related to the Site in the future.

General Statement. In the late 1970's, the shares of Daniel Products Company, Inc. ("DPC-1") were acquired by Synres Chemical Corporation ("Synres"), a New Jersey corporation, now known as DSM Resins U.S., Inc. ("DSM Resins"). DPC was later merged into, and made a division of, Synres in the mid 1980s. In 1991, Synres divested all of the assets relating to the business of Daniel Products located at 400 Claremont Road, Jersey City, NJ 07304 to its newly established wholly-owned subsidiary, Daniel Products Company, Inc. ("DPC-2"), a Delaware corporation established for purposes of selling the Daniel assets (the "Daniel Assets") to an unrelated third party. The Daniel Assets were, in turn, sold to Daniel Acquisition Company, Inc., an unrelated third party, pursuant to the terms of an Asset Purchase Agreement dated April 5, 1993 (the "Asset Purchase Agreement"). Immediately following the sale, the name of DPC-2 was changed to Synotex Company, Inc. According to the understanding of DSM, the name of Daniel Acquisition Company, Inc. was changed to Daniel Products Company, Inc. ("New Daniel"). DSM is aware that on December 5, 1995, New Daniel filed its Response to a similar RFI from the U. S. EPA regarding the Site.

For the period of time from 1978 until 1993 when a Daniel Products was a DSM affiliate, the business of Daniel Products, including the books and records thereof, was conducted and maintained solely at its facility at 400 Claremont Avenue in Jersey City, NJ and at no other location. The Daniel Products employees remained with Daniel Products upon divestiture from DSM in 1993. All of the Daniel Assets were transferred to New Daniel. Accordingly, neither DSM nor any affiliate of DSM has any documentation or other information relating to the operation of the Daniel Products facilities at any period, all such documentation having been transferred to New Daniel in 1993 as part of the asset acquisition

This response is provided on behalf of DSM Holding Company USA, Inc. and its affiliate, DSM Resins U.S., Inc.

1. (a) State the correct legal name and mailing address of the Company.

DSM Holding Company USA, Inc.
P. O. Box 2451
One Columbia Nitrogen Road
Augusta, GA 30903

(b) State the name(s) and address(es) of the current (or most recent) President, Chairman of the Board and Chief Executive Officer of the Company.

Chairman: Arnold H. P. G. van Andel
President: J. William Price
DSM Holding Company USA, Inc.
P. O. Box 2451
One Columbia Nitrogen Road
Augusta, GA 30903

(c) Identify the nature of the Company's form of business organization.

DSM Holding Company USA, Inc. ("DSM") operates solely as a Delaware holding company for all DSM affiliates in the U. S.

(d) Identify the state and date of incorporation and the agent for service of process in the state or incorporation or formation, and in New Jersey, for the Company.

DSM was incorporated in Delaware on December 11, 1991. Its agent for service of process in Delaware is C T Corporation System, 1201 Orange Street, Wilmington, DE 19801.

(e) If the Company is a parent, subsidiary, or affiliate of another business entity or entities, identify each such entity and its relationship to the Company.

DSM objects to this request for information as calling for information which is irrelevant and immaterial to matters at issue at the Bayonne Barrel & Drum Site. DSM is herewith responding on behalf of itself and its affiliate, DSM Resins U.S., Inc. No other affiliate of DSM has any information regarding the Site.

- (f) **If the Company is a successor to, or has been succeeded by another company, identify each such other company and provide the information requested in Questions 1(a) through 1(d).**

Please refer to DSM's objection stated at 1(e), above, and to the information set forth in the General Statement, above.

- (g) **Provide the number of employees of the Company during the last fiscal year that the Company was actively operating.**

DSM Holding Company U.S., Inc., does not have any employees.

- (h) **Provide the annual sales of the Company during the last fiscal year that the Company was actively operating.**

As a holding company, DSM does not have any sales.

2. **If your company has been dissolved . . .**

DSM has not been dissolved.

3. **Has your Company been the subject of a bankruptcy filing . . .**

DSM has not been the subject of any bankruptcy.

4. - 11: DSM is aware of, and obtained a copy of, answers filed by New Daniel dated December 6, 1995, responding to questions regarding transactions between "Old Daniel" and Bayonne Barrel & Drum. These responses indicate transactions going back to May 10, 1973 and continuing through December 3, 1979 relating to reconditioning of steel drums. It is not clear whether any drum sent for reconditioning contained any hazardous materials; nor whether the documentation referred to correctly represented the nature and/or extent of such transactions.

Having sold all of the Daniel Assets to New Daniel, DSM has no information relating to the transactions between Daniel Products and Bayonne Barrel & Drum. Nor does DSM have any information regarding individuals who may have information about the Bayonne Barrel & Drum site, other than those referenced in the responses of New Daniel.

12. **Identify all individuals with knowledge of facts relating to the responses providing to this Request for Information. Identify each individual who assisted or was consulted or who answered on behalf of the Company in the preparation of its**

response to this Request for Information, and correlate each person to the questions for which he or she was consulted.

These responses have been prepared by William P. Bivins, General Counsel and Secretary of DSM Holding Company USA, Inc., and former Secretary of DSM Resins U.S. Inc.

13. (a) Do you have any additional information or documents . . .

Neither DSM nor any affiliate has any documentation or other information relating in any way to the Site.

(b) In addition, identify all individuals . . . who may have information or documents . . .

DSM is not aware of any other individuals with information regarding the Site. It is likely that most, if not all, former employees of "Old Daniel" continued in their employment with New Daniel; in any event, none remained with DSM or any affiliate.

CERTIFICATE OF ANSWERS TO REQUEST FOR INFORMATION

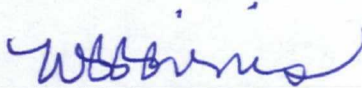
State of North Carolina

County of Pitt:

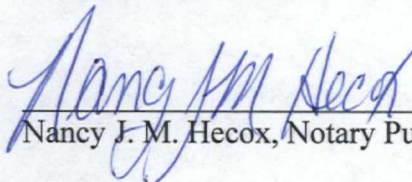
I, William P. Bivins, certify under penalty of law that I have personally examined and am familiar with the information submitted in this document (Response to EPA Request for Information) and all documents submitted herewith, and that based on my knowledge, I believe that the submitted information is true, accurate, and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fine and imprisonment. I am also aware that the Company is under a continuing obligation to supplement its response to EPA's Request for Information if any additional information relevant to the matters addressed in EPA's Request for Information or the Company's response thereto should become known or available to the Company.

SIGNED:

William P. Bivins
Secretary, DSM Holding Company USA, Inc.



Sworn to before me this 7th day of June, 2002:


Nancy J. M. Hecox, Notary Public